

## REMARKS

This Amendment responds to the Office Action mailed on August 21, 2006. Claims 23, 37 and 48 are amended, and new claims 57-59 are added. Reconsideration is respectfully requested in light of the amendments and the following remarks.

### *Examiner's Interview*

The patent owner's representative, Joseph M. Sauer, thanks Examiner Lau for the courtesies extended during the telephone interview on November 14, 2006. During the interview, the pending claims and cited Rompe reference (U.S. 5,903,856) were discussed. The remarks contained herein further summarize the interview.

### *Claim Rejections – 35 U.S.C. § 101*

Claims 23, 24, 26-38 and 40-47 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 23 and 37 have been amended in response to this rejection to specify that the usable battery capacity (claim 23) and estimated capacity (claim 37) are stored in a computer-readable medium. In the November 14 telephone interview, Examiner Lau indicated that these amendments would overcome the rejections under § 101.

### *Claim Rejections – 35 U.S.C. § 102 and 103*

Claims 23-56 stand rejected under 35 U.S.C. §§ 102(b) and/or 103(a) based on the disclosures of the Rompe reference. As discussed with Examiner Lau during the November 14 telephone interview, the Rompe reference does not disclose a method for determining a usable battery capacity. Rather, Rompe discloses, with reference to Figs. 4 and 5, a method for transitioning between different power states (PS0-PS5) based on measured voltages (U1-U5). In order to clarify this distinction, claims 23, 37 and 48 have been amended, as discussed with Examiner Lau, to specify that the usable battery capacity (claims 23 and 48) or estimated battery capacity (claim 37) is estimated as a function of time. New claims 57-59 further

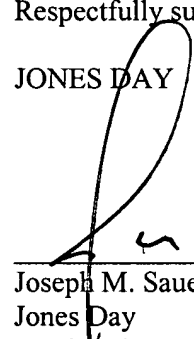
specify that these battery capacity values are in units of current multiplied by time. Reconsideration is respectfully requested in light of these amendments.

*Conclusion*

For at least the foregoing reasons, the patent owner submits that claims 23, 24, 25-38, 40-50, and 52-59 are in condition for allowance, and allowance is respectfully requested.

Respectfully submitted,

JONES DAY



---

Joseph M. Sauer (Reg. No. 47,919)  
Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7506